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RE: United States v Vincent Basciano  
03-CR-929 NGG  
05-CR-0060 NGG

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y. 8/25/10  
★ SEP 14 2010 ★

Dear Judge GARAUFI:

BROOKLYN OFFICE

I feel compelled to write the court in order to make a complete record regarding the letter Joseph Barone wrote the court on January 31, 2010 and events that followed.

I preface this letter by expressing that my intent is not to disparage the court. If this letter has that tone I apologize in advance.

Currently, as the court is aware I am in MCC N.Y. The attorney at MCC, Adam Johnson informed me the court approved this move. I am currently in 10-Sath and I am not allowed to make legal calls and the amount of legal work I am allowed to have in my cell is exiguous compared to what I had at MDC. I was told by the warden at MCC that she doesn't know if I "even breached my SAMS". I could assure the court I haven't and prove so at a hearing.

I bring this to the court's attention because yesterday, August 24, 2010, I was informed by my '03 attorneys that the court denied my rule 33 without hearing oral argument. I informed them I want to appeal the court's decision and

WAS told that I have ten DAYS from the court's Denial on August 19, 2010 to file a notice of appeal. Mr. Bachrach told me that because of the up-coming holiday weekend we have until Tuesday August 31, 2010 to file our notice of appeal. This letter will be given to a lieutenant sometime today to be mailed. I will put the lieutenant's name and the time and date I handed him this letter on the back of the envelope.

I want to make a record that I do want to appeal the court's decision regarding the denial of my most recent Rule 33. And if the '03 Attorneys, through negligence or matters out of my control, do not file a notice of appeal I do not want to be time barred from doing so.

Also, upon first learning about Joseph Barone's letter, in which Barone takes credit for preventing your assassination, I immediately wrote the court and gave my letter to Mr. Goltz to ECF asking the court not to decide any motions in either the 03 or 05 case because of the court's actual bias towards me and in that same letter I informed the court that I would want to call his honor as my witness in either the guilt or penalty phase at my up-coming trial in 05 or 06.

Mr. Goltzer Assured me he would ECF my letter "under seal" to the court but he did not. However I do want that letter as part of the record and I will inform Mr. Goltzer to ECF it to the court.

The main topic I want to address in this letter is the court's letter to the Attorney General [A.G.] asking the A.G. to reconsider the death penalty on me.

It appears the letter the court wrote to the A.G. followed closely on the heels of a letter the court received from Barone on February 2<sup>nd</sup>, 2010. [See document 1155 filed 8/13/10 in case 1:03-cr-00929-NGG].

The ramifications regarding the court not turning over the Barone letter to the defense, in redacted form or informing the defense that the court was in possession of a letter from a Confidential informant claiming to have been "the man" who saved your life from an assassination attempt, [without mentioning Barone's name] has implications in both the 03 CR 929 and 05 CR 0060 cases. I will not address those implications in this letter. My attorneys in the '03 and '05 cases assured me they would. However I do want to address something that

I AM AFRAID MY ATTORNEYS MAY NOT FOCUS ON. I WANT TO ADDRESS WHAT APPEARS TO BE A CALCULATED DECISION BY THE COURT REGARDING THE LETTER THE COURT WROTE TO THE A.G. TO RECONSIDER THE DEATH PENALTY IN MY UP-COMING FEBRUARY 2011 TRIAL. IT APPEARS THAT ONE PRIMARY REASON THE COURT WROTE THE A.G. WAS TO THWART ANY FUTURE ATTEMPT BY THE DEFENSE TO ARGUE FOR RECUSAL BASED UPON THE COURT'S APPEARANCE OR ACTUAL BIAS TOWARDS ME ENGENDERED BY BARONE'S LETTER. IN ESSENCE WHAT THE COURT DID IS EXACTLY WHAT THE COURT HAS ACCUSED ME OF, WRITING A LIST AS AN ARTIFICE TO RECUSE THE COURT, BUT FOR THE OPPOSITE REASON. IN OTHER WORDS THE COURT WILL UNDOUBTLY ARGUE, IF THE DEFENSE BRINGS ANOTHER RECUSAL MOTION, THAT THERE IS NO APPEARANCE OF BIAS SINCE IT WAS THE COURT WHO WROTE THE ATTORNEY GENERAL TO "RECONSIDER" THE DEATH PENALTY ON ME. THE COURT, IF IT MAKES SUCH AN ARGUMENT, WOULD HAVE USED HIS LETTER TO THE A.G. AS AN ARTIFICE OR NON-RECUSAL TOOL TO STAY ON THE CASE. IN EFFECT CREATING ACTUAL BIAS OR AT LEAST THE APPEARANCE OF BIAS. THAT APPEARANCE OF BIAS OR ACTUAL BIAS MAY HAVE MANIFESTED ITSELF REGARDING EVERY DECISION THE COURT MADE AFTER THE COURT RECEIVED THE BARONE

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letter on February 2<sup>nd</sup> 2010.<sup>①</sup>

It appears that the temporal relationship between the court receiving the Barone letter and the letter the court wrote the A-G. to Reconsider the death penalty on me was no accident. It appears the court wanted to use his letter to the A-G. to preserve an argument regarding the court's lack of bias because the court was aware if the Barone letter became public the defense would possibly ask the court to recuse himself.

Since the court has never wrote the A-G asking him to Reconsider the death penalty on me in the more than three years since I have been authorized makes the timing of the court's decision to write the A-G only after the court became in possession of the Barone letter suspicious and lends credence to my argument: The court was bent on staying on this case and thought

① I just spoke to the Warden at MCL. She told me I am here because of unauthorized magazines in my cell; i.e., 3-Mens Journal, 1-Esquire, 1-gentlemen's Quarterly, 1-New York etc. She said she is "only housing" me "it's up to the Warden and the Judge to bring ya back to MCL"

the Barone letter might jeopardize the court's opportunity to sentence me to another consecutive life sentence if I were to be found guilty in my next trial. Furthermore, since the court never wrote to the A-G after the court became aware that Dominick Cicale "the star witness" in all of my trials hatched a fake murder plot while in wit-sec at MCC in 2007, even lends more credence to my argument.

However if I am wrong and the court wrote the A-G because the court felt that I should not face capital punishment for my alleged participation in the pizzulo homicide. I would like to call his honor as my witness to explain to the jury why his honor feels that way. I certainly know the court would never lie under oath and tell the jury it was out of compassion that he wrote the Attorney General. The defense has too much impeachment material for the court to use that answer as an excuse.

Thank You Respectfully Yours  
Vincent J. Barone  
Vincent J. Barone

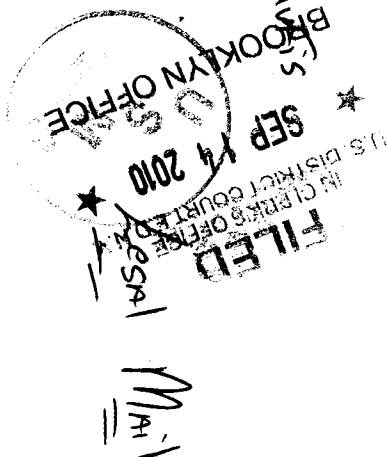
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100 Pack Row  
New York, New York 10007

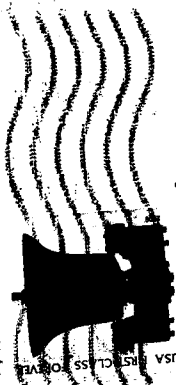
Honorable Nicholas G. Garza  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Gannan Plaza East  
Brooklyn, New York 11201

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EX 1120  
Lt. P. Delaney



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Legal Mail

Legal Mail

Lt. P. Delaney:

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